

# Bittiger Elias & Triolo P.C.

ATTORNEYS AT LAW

JASON L. BITTIGER <sup>Δ</sup>  
PAUL M. ELIAS <sup>Δ</sup>  
PRISCILLA J. TRIOLO <sup>Δ</sup>  
ROBERT A. DIEHL <sup>Δ</sup>

HOPE M. DEUTSCH  
MICHAEL R. SPALTRO

<sup>Δ</sup> ADMITTED IN NEW YORK & NEW JERSEY

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**REPLY TO NEW JERSEY OFFICE:**

12 ROUTE 17 NORTH, SUITE 206  
PARAMUS, NEW JERSEY 07652  
TEL: (201) 438-7770  
FAX: (201) 438-5726  
WWW.BITTLAW.COM

PRISCILLA J. TRIOLO  
PTRIOLO@BITTLAW.COM

November 30, 2021

**Via ECF**

Hon. Magistrate André M. Espinosa, U.S.M.J.  
United States District Court, District of New Jersey  
50 Walnut Street, Court Room MLK 2D  
Newark, New Jersey 07102

**Re: Campaniello-Cason et al v. O'Reilly**  
**Case No.: 2:20-cv-03381-MCA-AME**

Dear Magistrate Judge Espinosa:

This firm represents Defendant, Kevin O'Reilly, ("Defendant") in the above captioned matter. Because of issues that have arisen during the Pre-Trial Order process we submitted a letter dated November 23, 2021 [Doc. ID 47] requesting guidance. The scheduled submittal date for a Pre-Trial Order is tomorrow on December 1, 2021. Defendant has requested an additional day to revise and finalize its part of the proposed Order and determine how the Court wants to proceed considering these issues. Plaintiff does not consent. The Defendant cannot sign the Proposed Pre-Trial Order as Plaintiff has crafted it.

When the Plaintiff responded [Doc. ID 48] to my letter [Doc. ID 47] counsel asserted a myriad of defenses to their actions and falsely asserted as if confirmed that the Defendant made a significant discriminating statement, thereby entitling Plaintiff to its current use of the Pre-trial Order to conduct discovery. The Defendant denied this assertion in his Answer to the Complaint, the Answer to the Amended Complaint, in Answers to Interrogatories and vehemently during Depositions as something he never said. Further, Plaintiff fails to advise the Court that none of the Plaintiffs were present with the Defendant when the alleged statement was made. It is represented by the Plaintiff to have been "heard" by one of the Plaintiffs eavesdropping on the Defendant

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**NEW YORK OFFICE:**

11 BROADWAY, SUITE 615, NEW YORK, NEW YORK 10004

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through the floor of the two-family house, at a time when no one could even confirm that the Defendant was in the privacy of his home.

Finally, while the Scheduling Order does not refer to the dates of the Expert Reports, the Parties consented to Plaintiff's Expert Report being delivered by February 1, 2021 and Expert Discovery concluding on July 30, 2021, in the Joint proposed Discovery Plan [Doc. ID 10] (copy attached). The Plaintiff made no request to alter those dates or to seek scheduling dates after the Amended Complaint was filed. And now that discovery is concluded and the matter is heading to a trial, the Plaintiff seeks to use the Pre-Trial Order to drop Expert Reports on the Defendant, along with undisclosed documents that it characterizes as "demonstrative".

The Defendant seeks to resolve these matters as quickly as possible as the Defendant is ready to proceed to trial at the Court's earliest available time.

Should Your Honor have any questions or concerns regarding this letter, please contact our office.

As always, thank you for your courtesies and consideration

Respectfully submitted,

*Priscilla J. Triolo, Esq./s/*

PRISCILLA J. TRIOLO, ESQ.

PJT/bc

cc: Norrinda Hayat, Esq. (via electronic mail)  
Kevin O'Reilly (via electronic mail)